

Exhibit 14

1 CAUSE NO. 8701
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73/35

3 THE STATE OF TEXAS X IN THE DISTRICT COURT OF
4 VS. X BASTROP COUNTY, TEXAS
5 RODNEY REED X 21ST JUDICIAL DISTRICT
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REPORTER'S RECORD
JURY TRIAL
GUILT/INNOCENCE

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MAY 12, 1998

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MORNING & AFTERNOON SESSIONS

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VOLUME 52 OF 69'

24

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FILED IN
COURT OF CRIMINAL APPEALS
SEP 9 1998
Troy C. Bennett, Jr., Clerk

ORIGINAL

1 On the 12th day of May, 1998, the
2 above entitled and numbered cause came on for
3 hearing before said Honorable Court, Harold R.
4 Towslee, Judge Presiding, and the following
5 proceedings were had:

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9 Volume 52 of **69**

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11 GUILT/INNOCENCE PHASE

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13 (PAGES 1 THROUGH 162)

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1 THE COURT: Sir, will you
2 please come up here and let me swear you in
3 before you testify.

4

5 GORDON MOORE, the witness, after having
6 first been duly sworn, assumed the witness stand
7 and testified upon his oath as follows:

8

DIRECT EXAMINATION

10 | QUESTIONS BY MS. CLAY-JACKSON:

MS. CLAY-JACKSON: Pursuant
to a motion in limine, we ask for that
proffer.

14 Q. Would you please state your full name?

15 A. Gordon William Moore.

16 Q. And how are you employed?

17 | A. With the Texas Department of Public Safety.

18 Q. In what position are you employed?

19 A. Lieutenant.

20 Q. Lieutenant Moore, what are your duties with
21 the Department of Public Safety?

22 A. I'm the supervisor in one of their services in
23 the criminal law enforcement division.

24 Q. And the criminal law enforcement division,
25 which particular division are you a

1 supervisor?

2 A. In the polygraph service.

3 Q. What is your educational background?

4 A. I've got an Associate's Degree in Applied
5 Science, Bachelor's Degree in Criminal
6 Justice.

7 Q. And as a supervisor in -- at DPS, have you had
8 to take continuing education courses?

9 A. Yes, ma'am.

10 Q. And what kinds of courses have you taken?

11 A. Professional continuing education and seminars
12 throughout the nation, national.

13 Q. And where are some of those seminars been?

14 A. Sparks, Nevada; Austin, Texas; Albuquerque,
15 New Mexico.

16 Q. Have you had occasion to work with the Federal
17 Bureau of Investigation?

18 A. I have, yes.

19 Q. And have you had occasion to attend some of
20 the seminars and conferences they have been
21 party to?

22 A. Co-hosted but not sponsored.

23 Q. Is there a certification for your specialty?

24 A. Yes, there is.

25 Q. And are you certified?

1 A. Yes, I am.

2 Q. Would you please tell the Court what
3 constitutes a certification?

4 A. It's actually a license in the State of Texas,
5 and you have to have a four-year degree. In
6 lieu of that, five years' investigative
7 experience, and then you go through an
8 internship, a six-month internship program and
9 after that you go for your state license.

10 Q. And how long have you been with the
11 department?

12 A. Approximately 14 years.

13 Q. And all of that time have you been with this
14 special division?

15 A. Yes, I have.

16 Q. On -- in December of 1996, did you have
17 occasion to interview a Jimmy Fennell, Jr.

18 A. Yes, I did.

19 Q. And do you recall who brought Mr. Fennell to
20 you for that interview?

21 A. I believe it was Texas Ranger Sergeant Rocky
22 Wardlow.

23 Q. Would you explain to the Court what you do in
24 preparation to interview a witness?

25 A. Basically debrief the case facts as they're

1 PAT CARMACK, the witness, after having
2 first been duly sworn, assumed the witness stand
3 and testified upon his oath as follows:

4

5 DIRECT EXAMINATION6 QUESTIONS BY MS. CLAY-JACKSON:

7 Q. State your full name spelling your last.

8 A. Pat Carmack, C-a-r-m-a-c-k.

9 Q. Mr. Carmack, how are you employed?

10 A. Adult probation officer in Bastrop County.

11 Q. How long have you been -- are you a resident
12 of Bastrop County?

13 A. Yes, ma'am.

14 Q. In your duties as a probation officer, in your
15 responsibilities with the Bastrop County adult
16 supervision -- is it adult supervision?

17 A. Yes, ma'am.

18 Q. Do you hold a special license?

19 A. I hold a polygraph license, but I had that
20 long before I was a probation officer.21 Q. Would you please tell the Court, what is your
22 educational background?23 A. I have a Bachelor of Arts degree that I
24 received in 1972, and then went to polygraph
25 school at Texas A & M. That's pretty much

1 it. And I speak a little Spanish.

2 Q. And you said you hold a license in polygraph?

3 A. Yes, ma'am.

4 Q. And you have been a polygraph examiner for how
5 long?

6 A. Since nineteen seventy-three. I got my
7 license, actually, in '74. I was practicing
8 as an intern in '73.

9 Q. Since you have been in the employ of Bastrop
10 County have you had occasion for the County to
11 utilize your services as a polygraph examiner?

12 A. Yes, ma'am.

13 Q. Could you give the Court some idea of what
14 type of situation Bastrop County has utilized
15 your services?

16 A. I have done criminal testing for the Bastrop
17 County sheriff's office, from time to time; I
18 have done sex offender testing for the
19 probation department sex offender case load.

20 Q. And in the -- internal affairs for the Bastrop
21 County sheriff's office -- in your duties with
22 the sex offender program, is that people that
23 have been convicted or placed on probation for
24 sex offenses and come in on a periodic basis
25 to be polygraphed, or given a polygraph test?

1 A. In some years ago, ---- well, the regular
2 basis part never developed, it's pretty much a
3 one-time thing.

4 Q. You say that Bastrop County has utilized your
5 service at the sheriff's department?

6 A. Yes, ma'am.

7 Q. I would like for you to think back in October
8 of 1996, and specifically think back with
9 regard to a Jimmy Fennell. Were your services
10 utilized by Bastrop County in connection with
11 Jimmy Fennell in October of 1996?

12 A. I'm not certain of the date but, yes, ma'am.

13 Q. You did in fact have -- conduct a polygraph
14 exam request with Jimmy Fennell; is that
15 right?

16 A. Yes, ma'am.

17 Q. And would you please explain to the Court how
18 you go about starting a polygraph exam? What
19 do you need to start a polygraph exam?

20 A. The basic information of a case, of course.

21 Q. And where did you receive that information?

22 A. From the investigative office, the sheriff's
23 office or whatever it might be.

24 Q. And this information, do you recall if it was
25 Lieutenant Campos that gave you the